

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

APRIL L. TUDOR,
Plaintiff,

v.

Case No. 22-cv-0630

VILLAGE OF GENOA CITY, et al.,
Defendant.

DECISION AND ORDER

Plaintiff April L. Tudor brings this lawsuit alleging violations of her civil rights under § 1983 as well as violations of state and common law. Plaintiff's claims arise from a dispute over a fence built by the plaintiff which may have violated the Village of Genoa's zoning and trespass ordinances. The Village of Genoa now moves to stay all proceedings, arguing that some of plaintiff's claims are subject to the *Younger* doctrine. No party has opposed the motion and the time to do so has passed.

The *Younger* doctrine generally requires federal courts to abstain from taking jurisdiction over federal constitutional claims that involve or call into question ongoing state proceedings. *FreeEats.com, Inc. v. Indiana*, 502 F.3d 590, 595 (7th Cir. 2007) (citing *Younger v. Harris*, 401 U.S. 37, 43-44). Plaintiff's claim of unlawful arrest is related to an ongoing criminal case against her and is subject to the *Younger* doctrine. *Simpson v. Rowan*, 73 F.3d 134, 138 (7th Cir. 1995). Additionally, Plaintiff's claims that 25 pending zoning citations are legally unfounded and constitute a violation of due process are subject to the *Younger* doctrine. *Forty One News, Inc. v. Cnty of Lake*, 491 F.3d 662, 666 (7th Cir. 2007). Because the remaining claims are closely intertwined with those subject to the *Younger* doctrine, and because no party has opposed the Village of Genoa's motion

to stay all proceedings or argued that they would be prejudiced by such a stay, I find that a stay of all proceedings would serve the interests of fairness and economy. See *Clinton v. Jones*, 520 U.S. 681, 706 (1997) (“The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.”); *Wojtas v. Capital Guardian Trust Co.*, 477 F.3d 924, 926 (7th Cir. 2007) (holding that failure to oppose an argument results in waiver.) Accordingly, this action is stayed until the underlying state proceedings are resolved. Because the action is stayed, the pending motions at ECF no. 70 and ECF no. 78 are denied as moot but may be refiled after the stay is lifted.

For the reasons stated, **IT IS ORDERED** that the Village of Genoa’s motion to stay all proceedings at ECF no. 62 is **GRANTED**. The action is **STAYED** pending the resolution of the underlying state proceedings. The parties shall inform the court when those proceedings are resolved.

IT IS FURTHER ORDERED that the motions at ECF no. 70 and 78 are **DENIED AS MOOT** but may be refiled after the stay is lifted.

Dated at Milwaukee, Wisconsin, this 6th day of December, 2022.

/s/Lynn Adelman
LYNN ADELMAN
United States District Judge